

09-12-05

U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE  
DEPOSIT INFORMATION

Express Mail Label No.: EV 653 877 051 US

Date of Deposit: September 7, 2005

BRINKS  
HOFER  
GILSON  
& LIONE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Helmut Harrer

Appln. No.: 10/821,628

Filed: April 9, 2004

For: POSITION MEASURING SYSTEM

Examiner: Guadalupe, Yaritza

Art Unit: 2859

Attorney Docket No: 12484/3

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in duplicate); Letter to PTO -Response to Office Action Dated June 7, 2005.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

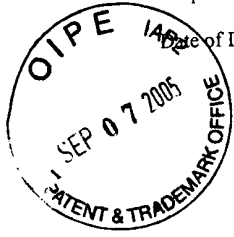
Respectfully submitted,

September 7, 2005  
Date

John C. Freeman (Reg. No. 34,483)

"Express Mail" mailing label number: EV 653 877 051 US

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PATENT  
CASE NO. 12484/3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application:	)	
	)	
Helmut Harrer	)	
	)	Group Art Unit: 2859
Serial No.: 10/821,628	)	
	)	Examiner: Guadalupe, Yaritza
Filed: April 9, 2004	)	
	)	
For: POSITION MEASURING SYSTEM	)	

**RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response regards the Office Action mailed on June 7, 2005.

**REMARKS**

**A. 35 U.S.C. §102**

**1. Ernst**

In the Office Action mailed on June 7, 2005, claims 1 and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ernst. Applicant traverses the rejection. Independent claim 1 recites a position measuring system that includes a wall having a deformation and a cable having a shield. The Office Action has identified item 67 as an opening of the housing 64 and defines a deformation. However, item 67 is a component separate from the wall as shown by its